

REMARKS

In the final Office Action, the Examiner indicated that the proposed drawing correction has been accepted, but required a proper drawing correction or corrected drawings in reply to the Office Action. The Examiner also rejected claims 1-4 under 35 U.S.C. § 102(e) as anticipated by Waters et al. (U.S. Patent No. 5,907,607). Applicants respectfully traverse the rejection.

At the outset, Applicants respectfully submit that the finality of the Office Action, dated August 1, 2003, is improper. In the previous Office Action, dated June 4, 2002, the Examiner rejected claims 1 and 2 under 35 U.S.C. § 102(e) as anticipated by Ueno et al. (U.S. Patent No. 5,991,811). Applicants subsequently filed an Amendment on October 4, 2002 with minor changes to claims 1 and 2. In the final Office Action, dated August 1, 2003, the Examiner newly rejected claims 1 and 2 under 35 U.S.C. § 102(e) as anticipated by Waters et al. The Examiner made the rejection final, alleging that Applicants' amendment necessitated the new ground of rejection (Final Office Action, page 6).

M.P.E.P. § 706.07(a) states that "second or any subsequent actions on the merits shall be final, except where the examiner introduces a new ground of rejection that is neither necessitated by applicant's amendment of the claims nor based on information submitted in an information disclosure filed during the period set forth in 37 CFR 1.97(c) with the fee set forth in 37 CFR 1.17(p)" (emphasis added). The changes Applicants made to claims 1 and 2 in the previously filed Amendment could not have necessitated the Examiner's application of a new ground of rejection. Further, the Waters et al. reference was not cited by Applicants in an Information Disclosure Statement filed during the period set forth in 37 CFR 1.97(c). Accordingly, Applicants submit that the finality of the Office Action, dated August 1, 2003, is improper.

Withdrawal of the finality of the Office Action, dated August 1, 2003, is, therefore, respectfully requested.

At page 2 of the final Office Action, the Examiner indicated that the proposed drawing correction filed on October 4, 2002 has been accepted. The Examiner required, however, a proper drawing correction in response to the Office Action to avoid abandonment of the application. Since the previously-filed drawing correction has been accepted, Applicants are unclear as to what drawing correction(s) the Examiner is referring. Clarification is respectfully requested.

At pages 3-6 of the final Office Action, the Examiner rejected claims 1-4 under 35 U.S.C. § 102(e) as allegedly anticipated by Waters et al. Applicants respectfully traverse the rejection.

Waters et al. discloses a service creation system for an intelligent communications network that includes three different levels at which service creation activities can be carried out (col. 2, lines 55-59). The three separate levels allow access to the service creation system to be kept functionally separate for users having different interests in the network (col. 2, lines 61-63).

By contrast, claim 1, for example, recites a combination of features of a service administration system that distributes service processing resources among one or more service nodes of an intelligent communications network, where each service node provides services at a network resource associated with a service node. The system includes a device for receiving reusable service components for providing services at a service node of the intelligent communications network, where each service component has an associated service profile defining service node resources required for storing, maintaining and executing the service; a device for receiving configuration criteria including physical resource capacity of each service

node of the network; a database device for storing said received service components, the service node configuration criteria, and service profile associated with the service components; a distribution mechanism for distributing copies of the service components to one or more service nodes according to the service profile information associated with a service and a configuration criteria of the service nodes; and a trigger mechanism for automatically activating and deactivating the service component distributed to the service node, wherein the utilization of service node resources are optimized by activating the service components at service nodes during periods of high demand for an associated service and deactivating service components at service nodes during periods of low demand for the service.

A proper rejection under 35 U.S.C. § 102 requires that a single reference teach every aspect of the claimed invention either expressly or impliedly. Any feature not directly taught must be inherently present. See M.P.E.P. § 2131. Waters et al. does not disclose or suggest each of the features recited in claim 1. For example, Waters et al. does not disclose a device that receives configuration criteria including physical resource capacity of each service node of the network.

The Examiner alleged that Waters et al. discloses these features and cited column 11, lines 28-30 and 42-67, of Waters et al. for support (Final Office Action, page 3). Applicants disagree.

At column 11, lines 27-31, Waters et al. discloses:

The SDS Datastore is a persistent storage application containing the network master profile store. In addition, this store contains network configuration and data associated with IN Elements and customer distribution across those IN Elements.

In this section, Waters et al. mentions network configuration and data associated with IN elements, but nowhere in this section, or elsewhere, does Waters et al. disclose or suggest that

the network configuration and data associated with IN elements include physical resource capacity of each service node of the network, as recited in claim 1.

At column 11, lines 42-67, Waters et al. discloses:

A configuration management system is necessary to administrate the repository functions of the SDS datastore. As the central repository for all network-deployed code, Marketable Service Features and Services Packages it is essential that Service Creators at SCE1 and SCE2, as well as network operational people, have access to all versions of deployed Services and Features, if only for rollback security. This is especially important if services and features are to be deployed dynamically from several sources, and represents well-understood software development best-practice.

It is recognised that configuration management systems will probably also reside within the SCE domains (particularly SCE1 and SCE2), to maintain administrative control of local "work in progress", build and release management. However these systems will not be expected to carry the burden of maintaining network CM control. It is clear that once code, applications, Services and features are deployed into a live network, they move into an operational domain and must come under a logically separate system of control.

It is optional that it is the responsibility of the SDS Configuration Management system to maintain version management control of Profiles such that customer data can be rolled back from SCE3 and Service Management systems. An alternative is that a Service Management system provides this capability.

In this section, Waters et al. describes a configuration management system that administrates the repository functions of the SDS datastore. Nowhere in this section, or elsewhere, however, does Waters et al. disclose or suggest configuration criteria that includes physical resource capacity of each service node of the network, as recited in claim 1.

Waters et al. also does not disclose or suggest a trigger mechanism that automatically activates and deactivates the service component distributed to the service node, wherein the utilization of service node resources are optimized by activating the service components at service nodes during periods of high demand for an associated service and deactivating service components at service nodes during periods of low demand for the service, as further recited in

claim 1. The Examiner alleged that Waters et al. discloses these features and cited column 1, lines 26-32, of Waters et al. for support. Applicants disagree.

At column 1, lines 26-32, Waters et al. discloses:

Referring to FIG. 23, this has been achieved in known INs by enabling network exchanges 230 to recognise calls which require modified call progression and to suspend ordinary call processing. The decision to suspend call processing is based on the meeting of pre-specified trigger criteria, for example dialling digits, line condition or time of day, at certain points during the call.

In this section, Waters et al. describes conventional service switching point functionality.

Nowhere in this section, or elsewhere, however, does Waters et al. disclose or suggest a trigger mechanism that automatically activates and deactivates the service component distributed to the service node, as recited in claim 1. Waters et al. also does not disclose that the utilization of service node resources are optimized by activating the service components at service nodes during periods of high demand for an associated service and deactivating service components at service nodes during periods of low demand for the service, as further recited in claim 1.

For at least these reasons, Applicants submit that claim 1 is not anticipated by Waters et al.

Independent claim 2 recites features similar to the features described above with regard to claim 1. Claim 2 is, therefore, not anticipated by Waters et al. for reasons similar to those given with regard to claim 1.

Independent claim 3 recites a combination of features of a service processing system that controls a communications network having multiple service nodes, where each service node comprises at least one logic execution environment that hosts managed objects. The service processing system includes a data manager and at least one service administrator. The data manager maintains at each service node a local storage of managed objects and data needed for

service processing within the service node and monitors the operational status of the local storage at the service nodes. The at least one service administrator controls the deployment and activation of services within the service processing system by distributing, from a global repository, managed objects and data to one or more data managers associated with the service nodes in the communications network.

Waters et al. does not disclose or suggest each of the features recited in claim 3. For example, Waters et al. does not disclose or suggest a data manager that maintains a local storage of managed objects and data needed for service processing at each service node and monitors the operational status of the local storage of the service nodes, as recited in claim 3.

The Examiner alleged that Waters et al. discloses a data manager and cited column 2, lines 40-44, column 6, lines 4-6, column 11, lines 33-35, and column 16, lines 24-26, of Waters et al. for support. Applicants disagree and submit that the Examiner has identified several distinct portions of Waters et al., as evidenced below, in an attempt to reconstruct the claimed invention. This attempt appears to be based on impermissible hindsight reasoning, which, of course, cannot be used to reject the claims. Nevertheless, these portions of the Waters et al. disclosure do not disclose the data manager, as recited in claim 3.

At column 2, lines 40-44, Waters et al. discloses:

SLPs can be delivered to the SLEE via a Service Management System (SMS) 233. This is generally responsible for service management, deployment, and provisioning of customers and updating customer specific data held on the SCP 231 and the Service Data Point (SDP) 234.

This section appears to describe a service management system, which the Examiner appears to equate to the data manager recited in claim 3. Waters et al. does not disclose or suggest,

however, that the service management system monitors operational status of the local storage at the service nodes, as recited in claim 3.

At column 6, lines 4-6, Waters et al. discloses:

Interfaces and management systems will provide totally automated service deployment and provisioning across generic systems.

This section appears to describe that interfaces and management systems provide automated service deployment and provisioning. Waters et al. does not disclose or suggest, however, that the interfaces and management systems maintain at each service node a local storage of managed objects and data needed for service processing within the service node and monitor operational status of the local storage at the service nodes, as recited in claim 3.

At column 11, lines 33-38, Waters et al. discloses:

As the Service Creation repository the SDS datastore will contain all code deployed by SCE1, all MSFs and SPs from SCE2, available for access, under configuration management control, from instances of SCE2 to provide rapid service Creation and component reuse capabilities.

This section describes data stored by the SDS datastore. Waters et al. does not disclose or suggest, however, that the SDS datastore corresponds to a local storage of managed objects and data needed for service processing within the service node that is maintained at each service node, as recited in claim 3. Waters et al. also does not disclose or suggest monitoring operational status of the local storage at the service nodes, as further recited in claim 3.

At column 16, lines 24-26, Waters et al. discloses:

Referring to FIG. 20, all data is mastered on the SM. Profiles are passed from SCE3 to a Profile store 200 on the SM system.

Nowhere in this section does Waters et al. disclose or suggest a data manager that maintains at each service node a local storage of managed objects and data needed for service processing

within the service node and monitors operational status of the local storage at the service nodes, as recited in claim 3.

For at least these reasons, Applicants submit that claim 3 is not anticipated by Waters et al.

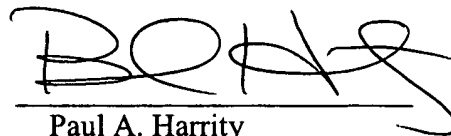
Independent claim 4 recites features similar to the features described above with regard to claim 3. Claim 4 is, therefore, not anticipated by Waters et al. for reasons similar to those given with regard to claim 3.

In view of the foregoing remarks, Applicants respectfully request the Examiner's reconsideration of the application and the timely allowance of pending claims 1-4.

To the extent necessary, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account No. 13-2491 and please credit any excess fees to such deposit account.

Respectfully submitted,
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Date: September 29, 2003

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